

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 7640 of 2003

Between:

1. D.Seshagiri Rao, S/o.Venkat Rao,

Aged 48 years, Occ: Member,

Payakaraopeta, P.A.C.S. Limited,

Payakaraopeta Mandal, Visakhapatnam Dist.

2. D.Surya Rao, S/o.Bulli Dora,

Aged 52 years, Occ: Member,

Payakaraopeta P.A.C.S. Ltd.,

Payakaraopeta Mandal, Visakhapatnam Dist.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh,

Cooperation Department rep. by its Secretary,

Secretariat, Hyderabad.

2. The District Collector, Visakhapatnam

3. The General Manager, District Cooperative

Central Bank Limited, Visakhapatnam,

Visakhapatnam District.

4. The District Cooperative Officer,

Visakhapatnam, Visakhapatnam District.

5. The Divisional Cooperative Officer,

Yellamanchili, Visakhapatnam,

Visakhapatnam District.

6. Payakaraopeta P.A.C.S. Ltd.,

Payakaraopeta Mandal,

Visakhapatnam District rep. by its

Person-in-charge.

7. Devavarapu Bobji, S/o.Adinarayana,

Aged 48 years, Occ: Secretary,

Payakaraopeta P.A.C.S. Ltd.,

Payakaraopeta Mandal,

Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus declaring resolution passed by the 6th respondent society dated 7.1.2003 reinstating the 7th respondent and consequential proceedings dated 10.3.2003 giving charge to the 7th respondent as illegal and contrary to the orders passed by the 2nd respondent on 31.5.2000 and the orders passed by this Honourable Court in W.P.NO.13396 of 2002, dated 25.9.2002 and set aside the same.

Counsel for the Petitioners: MR.A.SATYA PRASAD

Counsel for the Respondent Nos.1,2,4 and 5: GP FOR COOPERATION

Counsel for the Respondent No.3: Mr.T.Niranjan Reddy

Counsel for the Respondent No.6: Smt.A.Malathi

Counsel for the Respondent No.7: Mr.P.R.K.Amarender Kumar

The Court made the following :

ORAL ORDER:

The learned counsel for the petitioners has submitted that in view of the counter filed by the 6th respondent-society stating that pursuant to the interim orders granted by this Court, dated 28.4.2003, a Person-in-charge was appointed and he removed the services of the 7th respondent, vide his Proceedings, dated 8.5.2003 and therefore, no further orders are necessary in this writ petition and the writ petition may be dismissed.

The learned counsel appearing for the 7th respondent has submitted that though in the resolution passed by the 6th respondent, vide his proceedings dated 7.1.2003, while removing the 7th respondent from service, the subsequent proceedings of discharging him from the surcharge proceedings and discharging him from the criminal charges were not taken into account and therefore, the society may be directed to consider the case of the 7th respondent afresh for his reinstatement in view of the acquittal as well as setting aside the surcharge proceedings.

Having regard to the facts and circumstances of the case and in view of the interim direction granted by this Court alone, the 7th respondent was removed from service; and I am of the view that it is just and proper for the 6th respondent-society to consider the case of the 7th respondent afresh keeping in view the subsequent events and pass

appropriate orders in accordance with law.

The writ petition is accordingly disposed of. There shall be no order as to costs.

(V. ESWARAIAH, J.)

4th October, 2004.

bcj

To

1. The Secretary, The Government of Andhra Pradesh,
Cooperation Department, Secretariat, Hyderabad.
2. The District Collector, Visakhapatnam
3. The General Manager, District Cooperative
Central Bank Limited, Visakhapatnam,
Visakhapatnam District.
4. The District Cooperative Officer,
Visakhapatnam, Visakhapatnam District.
5. The Divisional Cooperative Officer,

Yellamanchili, Visakhapatnam,

Visakhapatnam District.

6. The Person-in-charge, Payakaraopeta P.A.C.S. Ltd.,

Payakaraopeta Mandal,

Visakhapatnam District.

7. Two C.D. copies.

8. Two C.Cs. to the Government Pleader for Cooperation, High Court

Buildings, Hyderabad (OUT)